

EXHIBIT A

STATE OF NORTH CAROLINA

MECKLENBURG County

File No.

22CVS 14095

In The General Court Of Justice
☐ District ☒ Superior Court Division

Name Of Plaintiff

Mary Immen as Administrator of Estate of Miguel Angel Martinez

Address

C/O WARD BLACK LAW 208 W. WENDOVER AVE

City, State, Zip

GREENSBORO NC 27401

VERSUS

Name Of Defendant(s)

UNITED RENTALS, INC.

CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS (ASSESS FEE)

G.S. 1A-1, Rules 3 and 4

Date Original Summons Issued

Date(s) Subsequent Summons(es) Issued

To Each Of The Defendant(s) Named Below:

Name And Address Of Defendant 1

United Rentals, Inc.
 Corporation Service Company
 2626 Glenwood Ave. Ste. 550
 Raleigh NC 27608

Name And Address Of Defendant 2



IMPORTANT! You have been sued! These papers are legal documents, DO NOT throw these papers out! You have to respond within 30 days. You may want to talk with a lawyer about your case as soon as possible, and, if needed, speak with someone who reads English and can translate these papers!

¡IMPORTANTE! ¡Se ha entablado un proceso civil en su contra! Estos papeles son documentos legales. ¡NO TIRE estos papeles!

Tiene que contestar a más tardar en 30 días. ¡Puede querer consultar con un abogado lo antes posible acerca de su caso y, de ser necesario, hablar con alguien que lea inglés y que pueda traducir estos documentos!

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address Of Plaintiff's Attorney (if none, Address Of Plaintiff)

GABRIEL SNYDER
 WARD BLACK LAW
 208 W. WENDOVER AVE.
 GREENSBORO NC 27401

Date Issued

8-26-22

Time

2:00

☐ AM ☒ PM

Signature

[Signature]

☒ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

☐ **ENDORSEMENT (ASSESS FEE)**

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date Of Endorsement

Time

☐ AM ☐ PM

Signature

[Signature]

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court

NOTE TO PARTIES: Many counties have **MANDATORY ARBITRATION** programs in which most cases where the amount in controversy is \$25,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

(Over)

RETURN OF SERVICE	
I certify that this Summons and a copy of the complaint were received and served as follows:	
DEFENDANT 1	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>	
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
DEFENDANT 2	
Date Served	Time Served <input type="checkbox"/> AM <input type="checkbox"/> PM Name Of Defendant
<input type="checkbox"/> By delivering to the defendant named above a copy of the summons and complaint. <input type="checkbox"/> By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein. <input type="checkbox"/> As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below. <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>	
<input type="checkbox"/> Other manner of service (specify)	
<input type="checkbox"/> Defendant WAS NOT served for the following reason:	
Service Fee Paid \$	Signature Of Deputy Sheriff Making Return
Date Received	Name Of Sheriff (type or print)
Date Of Return	County Of Sheriff

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

FILED

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 22-CVS- 14095

MARY IMMEN AS ADMINISTRATOR
OF THE ESTATE OF MIGUEL ANGEL
MARTINEZ,
MECKLENBURG COUNTY, C.S.C.

Plaintiff,

BY _____

COMPLAINT
(Jury Trial Demanded)

vs.

UNITED RENTALS, INC.,

Defendant.

Plaintiff, complaining of the acts of the Defendant, alleges and states that:

PARTIES

1. Miguel Angel Martinez, (hereinafter, "Deceased"), was a citizen and resident of Travis County, Texas at the time of his death on July 17, 2021.
2. Plaintiff, Mary Immen, is a citizen and resident of Mecklenburg County, North Carolina.
3. Plaintiff, Mary Immen, was appointed Administrator of the Estate of the Decedent by the Clerk of the Superior Court of Mecklenburg County on April 06, 2022, and has qualified and is acting as Administrator in the institution of this action pursuant to § 28A-18-2 of the North Carolina General Statutes.
4. Plaintiff is informed and believes and therefore alleges that United Rentals, Inc. is a corporation organized and existing under and by virtue of the laws of the State of Arizona, with its principal place of business in Arizona.
5. At all relevant times, United Rentals, Inc. was and is authorized to transact business in the State of North Carolina.
6. At all relevant times, United Rentals, Inc. transacted and continues to transact business in Mecklenburg County, North Carolina.

JURISDICTION

7. Venue is proper in Mecklenburg County, North Carolina because Plaintiff is a resident of Mecklenburg County at the time of commencement of this action.

8. North Carolina has personal jurisdiction pursuant to § 1-75.4(3) because this is a claim for wrongful death within North Carolina arising out of the wrongful acts within this state.

FACTS

9. At all times relevant herein, Decedent was employed by The Conlan Company as a night watchman. He primarily worked at The Conlan Company's distribution center.

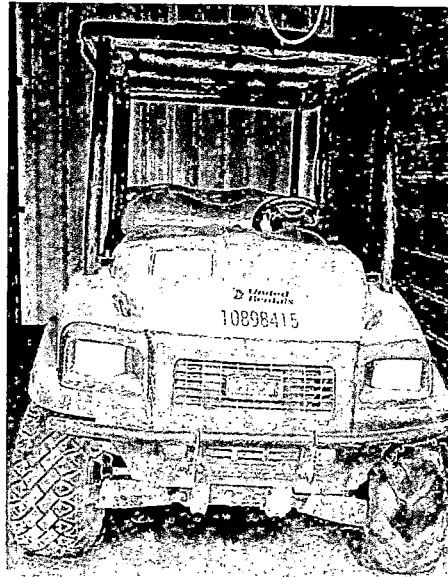
10. At all times relevant herein, Decedent would operate an ATV or similar vehicle to monitor The Conlan Company's distribution center.

11. At all times relevant herein, United Rentals, Inc. provided vehicles to The Conlan Company for rent.

12. On July 17, 2021, Decedent operated a 2019 Club Car Carryall 1700 4x4 (S/N: SD 1932-994496) (hereinafter, the "Vehicle").

13. At approximately 11:15 PM EST, as Decedent operated the Vehicle, it suddenly and unexpectedly overturned ("rollover") onto the Decedent, which caused him to die by mechanical asphyxiation.

14. The Vehicle is pictured below:



15. Before July 17, 2021, a mechanic for United Rentals, Inc. determined that the Vehicle required brake repairs, but the repairs were not made, and the Vehicle was allowed to be used by Decedent despite its need for repairs.

16. A tag was left on the Vehicle that the Vehicle was ready to rent when it was returned to The Conlan Company.

FIRST CLAIM OF RELIEF

Negligence – United Rentals, Inc.

17. The allegations set forth in paragraphs 1 through 16 are realleged and incorporated as if fully set forth.

18. United Rentals, Inc. was negligent in that:

- a. It received a repair request for the Vehicle and failed to repair the Vehicle;
- b. It communicated to any user of the Vehicle that it had been repaired and was ready for use;
- c. It failed to act in a reasonable manner in the repair and maintenance of the Vehicle;
- d. It was otherwise negligent.

19. The Vehicle's brakes were defective, which was known or should have been known by United Rentals, Inc., and as a result of the Vehicle being communicated as safe to drive, the Decedent drove the Vehicle, was unable to brake, and the Vehicle turned over causing his death.

20. Due to United Rentals, Inc.'s negligent conduct, the Deceased was killed during the Vehicle's operation.

21. This action is brought under § 28A-18-2 of the North Carolina General Statutes, and is a claim for damages arising from the wrongful death of the Decedent, including the following:

- a. Expenses for care, treatment and hospitalization incident to the injury resulting in death;
- b. Compensation for the pain and suffering of the Decedent;
- c. The funeral expenses of the Decedent;
- d. The present monetary value of the Decedent to the persons entitled to receive the damages recovered, including without limitation compensation for loss of the reasonably expected:
 - (1) Net income of the Decedent;
 - (2) Services, protection, care and assistance of the Decedent, whether voluntary or obligatory, to the persons entitled to the damages recovered;
 - (3) Society, companionship, comfort, guidance, kindly offices and advice of the Decedent to the persons entitled to the damages recovered.

22. As a result of the wrongful death of the Decedent, which was directly and proximately caused by Defendant's actions as described above, Plaintiff, as Administrator of the Decedent's Estate, is entitled to receive damages in an amount in excess of \$25,000.

WHEREFORE, Plaintiff prays as follows:

1. That Plaintiff recovers of the defendant a sum in excess of \$25,000.00 for compensatory damages;
2. That a jury be impaneled to try all issues of fact;
3. That the costs of this action, including attorneys' fees, be taxed to Defendant; and
4. For such other and further relief as the Court deems just and proper.

This the 24th day of August, 2022.

WARD BLACK LAW



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